

EXHIBIT “M”

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BY ELECTRONIC MAIL (steigerw@johannafoods.com)

Mr. Steve Steigerwalt
Senior VP Supply Chain Management & Business Development
Johanna Foods, Inc.
Post Office Box 272
Johanna Farms Road
Flemington, NJ 08822

Re: The Simply Trade Dress and Design Patents

Dear Mr. Steigerwalt:

We are intellectual property counsel to The Simply Orange Juice Company, a division of The Coca-Cola Company. We are writing to you regarding the carafe shaped container design that Johanna Foods previously supplied and/or licensed to Silver Springs Citrus and Resilux for retail use (photograph enclosed). As you will recall, our client objected to the use of that carafe design (which was manufactured by Resilux, co-packed by Silver Springs, and sold under an Uncle Matt's Organic label, among others) based upon our client's trade dress and design patent rights in its Simply family of juice products. TCCC filed suit to protect its intellectual property rights, and Resilux, Silvers Springs and Uncle Matt's each agreed to cease use of the accused design in settlement of the action.

We are not aware of any current usage of the above referenced design in the marketplace, but it is our understanding that Johanna may have recently offered such design to another company for consideration. To the extent Johanna Foods has offered or intends to offer the above referenced carafe design (or anything substantially similar) to other companies, please consider this letter formal notice of our client's Simply trade dress and design patent rights. We ask that Johanna Foods confirm that it is not currently making or using, or supplying and/or licensing to others, the above referenced carafe design, or if it is, whether it has any intention of discontinuing such activities, and if so, when. For your convenience, the Simply design patents are United States Design Patent D449,530 S issued October 23, 2001 ("the '530 Patent"), D437,226 S issued February 6, 2001 ("the '226 Patent"), D442,089 S issued May 15, 2001 ("the '089 Patent"), D456,272 S issued April 30, 2002 ("the '272 Patent"), D457,437 issued May 21, 2002 ("the '437 Patent"), D458,146 S issued June 4, 2002 ("the '146 Patent"), and D458,147 S issued June 4, 2002 ("the '147 Patent"). In addition, the Simply trade dress is the unique and highly distinctive carafe shaped container and closure that our client has used for it Simply family of juice products since 2001, which we understand Johanna is familiar with.

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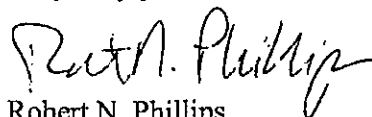
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As you can appreciate, our client has invested substantial time and money in developing its Simply family of juice products and enjoys valuable goodwill in its unique and widely known product design, which was the first of its kind in the refrigerator section of the grocery store. Consequently, it is extremely important to our client that it protect its investment and maintain its unique appearance, excellent reputation and points of differentiation in the highly competitive beverage marketplace. Through the enforcement of its trade dress and design patent intellectual property rights, our client is entitled to the exclusive enjoyment of its unique and highly distinctive carafe shaped container and closure for juice and related products, and may bar any confusingly similar containers, such as the carafe design previously supplied and/or licensed by Johanna Farms to Resilux et al.

We hope that Johanna understands the importance of these matters and will respect our client's request. If you have any questions or wish to discuss further, please do not hesitate to contact us.

Very truly yours,



Robert N. Phillips

RNP:jlf
Enclosure

cc: Michael J. Kline, Esq.

